



Final - no changes

State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
CN 402, TRENTON, N.J. 08625

Berry's Creek Technical Advisory Group Minutes November 4, 1985

The tenth meeting of TAG took place at the Airport Holiday Inn in New Orleans, Louisiana. The following people were in attendance: Chuck Hanson, George Harvell, Fred Ziegler, Richard Dime, Paul Galluzzi, Joe Maher, Dick Lee, Bob Will, Art Slesinger, Oksana Yaremko and Larry Schmidt. The minutes of the TAG meeting of October 3 and the meeting of October 15 were approved as drafted. Larry Schmidt identified the final deliverables of Task I as Submission #29 and the two WES proposals as Submissions 30 and 31. Larry Schmidt asked Dr. Dime to prepare a meeting summary of the meeting at LSU which was scheduled for November 5.

The first agenda item was a discussion of Joe Maher's letter of October 28 to WES. Fred Ziegler felt that the meeting with LSU researchers should resolve most of the technical issues and outstanding questions regarding cost and timing of the research. TAG agreed to add a priority pollutant analysis as an add-on to the scope of work. This analysis is to be done by WES at Vicksburg. WES will have to submit an approved QA/QC plan as part of the scope. Also, Velsicol reserves the option of inspecting both the labs at WES and LSU. Dr. Dick Lee indicated that the WES lab is certified by EPA. It was further agreed that the QA/QC plan could be submitted after the contract has been awarded.

The discussion then turned to the collection of sediment samples and the transport of those samples to WES (Agenda item IV). Paul Galluzzi of HMDC agreed to perform the work in anticipation that a contract could be worked out at a later date. After a lengthy discussion, the following procedure was agreed to for the collection of sediment samples by HMDC:

1. The sampling site will be selected by TAG based on Task I Reports ~~and WES doing field verification.~~
2. The sediments will be collected in five gallon glass jars (approximately 60).
3. Sampling will take place during low tides and if possible on exposed mud flats.
4. HMDC will test the material in the field before filling the jars and then staking out the location for subsequent sample taking.



5. Materials of high mercury concentration and low concentration will be shoveled into the jars ~~at a 50-50 ratio~~.
6. Samples will be collected in December and coordinated with a WES truck coming from Bridgeport, Connecticut (HMDC will rent a truck as a back-up procedure).
7. WES personnel will supervise sample taking at Berry's Creek.
8. Chain of custody forms will be used.
9. Upon arrival at Vicksburg, WES will mix the material and then analyze for mercury and priority pollutants.

Paul Galuzzi estimated the cost of collecting and transporting the samples to be in the vicinity of \$2,500. The recommended contract mechanism would be a direct purchase order between HMDC and the industries contingent upon approval by SAC.

The discussion then turned to the various contracting mechanisms that may be available with WES (Agenda Item II). Dick Lee indicated that because of WES contracting with LSU, WES would need all of the first year's money up-front. However, Dick suggested that we speak to Randy Scott of WES's accounting office to see if there is any flexibility. Joe Maher left the meeting to call Mr. Scott. Upon his return to the TAG meeting, Joe indicated that the WES portion of the contract could possibly be done on a payment schedule with quarterly payments. However, monies necessary for the LSU portion of the work could only be separated on a fiscal year basis. Joe Maher also noted that Mr. Scott had told him that WES had recently contracted with the State of Maryland and the terms of the contract may be applicable in this instance.

Dick Lee advised the group that the contract mechanism between WES and LSU will take 45 days after authorization, that is after the money is in hand. However, Dick Lee agreed to do the mixing and testing of sediments concurrent with the contracting paperwork.

The discussion then moved to Item III the question of coordinating the research between LSU and WES. Dick Lee stated that the research will consist of two separate efforts resulting in two separate reports. However, there will be close coordination and a working relationship of information exchanges on what to look for based on the progress of each others work. Fred Ziegler suggested monthly progress reports to formalize the integration and to ensure that the critical path is maintained.

Art Slesinger raised the issue of the overlap between the bioavailability research of WES and the methylation research at LSU. The aerobic conditions in the two studies provide a similar end point. This is not the case for the anaerobic conditions. If the LSU work proves certain aerobic conditions produce methyl mercury, WES biota studies are not needed to prove it will bio-concentrate. This commonality suggests a phased research approach is more economical. Dick Lee indicates somewhat of a phased approach was first planned. However, time does not permit it now from a WES commitment point of view. Paul Galluzzi and Rich Dime pointed out that both studies are needed to evaluate filter

feeders such as the clam. This overlap will be discussed the following day at LSU although the consensus was the argument had merit, but the delay may not be acceptable.

Following that discussion, the group considered whether or not the WES research could be delayed to provide a six month lag with the LSU work. The group responded with a number of reasons why we do not have the luxury of phasing. It was agreed to proceed with the two research components at the same time.

The next agenda item involved revisions to the critical path on all remaining tasks. This discussion also focused in on the total project budget. Fred Ziegler started off by stating that based on the assumption that the research went forward at \$500,000 there may be some flexibility to reduce the budget in Task VII-Treatability. He said that some of the elements of Task VII could be reduced but not by much. A significant portion of Task III will effect time, cost, and scope of Task VII and we will not be able to determine this in the near future. The group seemed to agree that Task III should go forward and that we should have a contractor on board, and that the extent of the contract activities might have to be shifted. Fred recommended a minimum initial effort on the work of the Task III contractor.

It was agreed that changes in scope and/or budget in Task III and VII are largely dependent on the outcome of the research. Fred is developing a number of scenarios on his critical path software program. Fred and Joe Maher agreed to have drafts of several likely critical paths ready by November 15.

The discussion proceeded to the remaining research task, the role of the marshes. Larry Schmidt raised the question of the status of TAG with respect to Dr. Simpson and Dr. Good and their research proposal. The group agreed to advise Simpson and Good that we are not prepared to support their research based on their apparent lack of understanding of the research issues. TAG would be willing to consider a full proposal if Simpson and Good expressed an interest in developing a proposal. The other option available to TAG is to delay this research question for the prime contractor in Task III.

The group then turned to the question of routine monitoring. The contract mechanism will be a direct purchase order between HMDC and the industries. Paul Galluzzi indicated that he is prepared to start sampling on November 12. George Harvell of Velsicol indicated that he is preparing the necessary paperwork.

Paul Galluzzi also advised the group that the HMDC lab had not obtained DEP lab certification for mercury. Therefore, he will absorb the cost of having an independent lab, certified by DEP, do the mercury analysis for him at no additional cost to the industries.

Chuck Hanson of Velsicol returned to the meeting after a short absence. Upon his return he lead a discussion on a number of items that he felt the TAG should consider. The first item was a question as to whether or not the TAG and SAC should consider a range of remedial alternatives similar to EPA's Superfund guidance. He pointed out that under Superfund guidance, preferred alternatives should be identified early. However it was pointed out that this would be a conflict with the NEPA regulations that require equal analysis of the various alternatives. This is an inherent conflict which should be brought to the attention of SAC. Larry Schmidt suggested that Mr. Hanson as a member of SAC should request that this item be put on the agenda for the meeting scheduled for November 20. In the group discussion, TAG felt that the issue may be one of sequential analysis with the SAC following EPA guidance in the RI/FS stage and the Corps of Engineers then following the NEPA regulations as part of the permitting process.

Chuck Hanson then changed the subject to indicate that he is looking for financial assistance to aid in the research. He asked the TAG members to think about potential opportunities to get foundation support to help underwrite the cost of this research. Larry Schmidt said that the Office of Science and Research solicits proposals each year for research projects from funds earmarked from the State's Spill Fund.

Next, Chuck raised the issue of being able to justify revisions of the budget by upward of \$500,000 to provide for the research activities. He asked that DEP be prepared at the next SAC meeting to answer the following questions:

1. Why do we need the additional money?
2. What answers do we expect will be provided by the increased cost of research?
3. Why can't those answers be provided from the information in the Task I Reports?

Mr. Hanson stated that the answers to these questions are necessary so that he can justify to his management an increase in the total budget agreed upon in the Cooperative Agreement. George Harvell read from the Order portion of the Cooperative Agreement the steps that would be necessary to modify the Order, and to satisfy the procedural requirements of the Court. DEP representatives on TAG indicated that they would be prepared to respond to these questions on November 20.

Finally, Chuck Hanson advised the group that Velsicol is considering taking actions to identify potentially responsible parties in the Berry's Creek drainage area. He said that this work may entail the hiring of a private detective agency to seek out potentially responsible parties and that the Velsicol lab may have to do separate analysis of the sediments to determine the general chemical characteristics of sediments in Berry's Creek and if there are several forms of mercury in the sediments. Chuck Hanson asked the DEP if it would take a "proactive" stance in looking for potentially responsible parties at this point in time. The TAG members suggested that Mr. Hanson bring this up directly with Jorge Berkowitz.

The meeting ended at approximately 7:00PM with an agreement that several of the outstanding technical issues would be resolved the following day in Baton Rouge. The next meeting of TAG is scheduled for November 19 at 9:00AM in Trenton.